

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN LANE, SR.,

Petitioner,

Case No. 1:12cv388

v.

Hon. Robert J. Jonker

COMMISSIONER OF SOCIAL SECURITY,

Respondent.

ORDER
APPROVING AND ADOPTING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on September 4, 2013. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed September 4, 2013, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that the decision of the Commissioner is **REVERSED AND REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for re-evaluation of Dr. Scherpenisse's opinion regarding the restrictions arising from plaintiff's depression. On remand the Commissioner shall articulate how plaintiff's condition improved and what restrictions remain.

/s/Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: September 26, 2013